

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, May 7, 2013, 7:00 PM
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding
Alderman John Clark
Alderman Valerie Joh
Alderman Mike McIntire

Vice-Mayor Tom C. Parham
Alderman Tom Segelhorst

City Administration

John G. Campbell, City Manager
J. Michael Billingsley, City Attorney
James H. Demming, City Recorder

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Boy Scout Troop 250.
- II.B. **INVOCATION:** Jack Edwards, Retired Minister – United Methodist Church
- III. **ROLL CALL:** By City Recorder Demming. Absent: Alderman Jantry Shupe.
- IV. **RECOGNITIONS AND PRESENTATIONS.** None.
- V. **APPROVAL OF MINUTES.**

Motion/Second: Parham/McIntire, to approve minutes for the following meetings:

- A. April 15, 2013 Regular Work Session
- B. April 16, 2013 Regular Business Meeting

Approved: All present voting “aye.”

VI. **COMMUNITY INTEREST ITEMS.**

AA. **PUBLIC HEARINGS.**

1. **Public Hearing and Consideration of Ordinances to Amend Zoning of a Portion of One Parcel Located at 800 Granby Road, Containing Hunter Wright Stadium (AF: 102-2013).** Planner Ken Weems gave a brief presentation on this item, noting this city-initiated rezoning would bring the stadium into compliance to sell concessions.

PUBLIC COMMENT ON ITEM VI.AA.1. None.

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, May 7, 2013**

Motion/Second: Segelhorst/McIntire, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG GRANBY ROAD TO B-3, HIGHWAY ORIENTED BUSINESS DISTRICT IN THE 12TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

2. Public Hearing and Consideration of Ordinances to Annex/Amend the Zoning of the Cherry Annexation and Consideration of a Resolution Adopting the Plan of Services (AF: 101-2013). Planner Corey Shepherd gave a presentation on this item and answered questions from the board.

PUBLIC COMMENT ON ITEM VI.AA.2. None.

Motion/Second: McIntire/Joh, to pass:

AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE CHERRY ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: McIntire/Joh, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG FORT HENRY DRIVE TO B-3, HIGHWAY ORIENTED BUSINESS DISTRICT IN THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: McIntire/Joh, to pass:

Resolution No. 2013-163, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE CHERRY ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

Passed: All present voting "aye."

3. Public Hearing and Consideration of the 2013 Annual Action Plan for Community Development and Consideration of a Resolution Authorizing the Mayor to Execute All Documents Necessary to Apply for and Receive Fiscal Year 13/14 Community Development Block Grant (CDBG) Funds (AF: 112-2013). Community Development Manager Mark Haga stated the allocation for the upcoming year has not been determined, noting the figures presented are based on the current plan. He pointed out that certain national objectives must be met.

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, May 7, 2013**

PUBLIC COMMENT ON ITEM VI.AA.3. None.

Motion/Second: McIntire/Clark, to pass:

Resolution No. 2013-164, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO RECEIVE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING, FOR FISCAL YEAR 2014, FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Passed: All present voting "aye."

A. PUBLIC COMMENT. Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. There being no one coming forward to speak, the Mayor closed the public comment segment.

B. BUSINESS MATTERS REQUIRING FIRST READING.

1. Consideration of an Ordinance to Amend the FY13 General Purpose School Fund and General Project Fund Budgets (AF: 107-2013). City Manager Campbell noted revenues were down so adjustments had to be made accordingly.

Motion/Second: Segelhorst/Parham, to pass:

AN ORDINANCE TO AMEND THE FY 2012-13 GENERAL PURPOSE SCHOOL FUND AND GENERAL PROJECT FUND BUDGETS; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

2. Consideration of an Ordinance to Amend the FY13 Schools Federal Projects Fund Budget (AF: 108-2013).

Motion/Second: Parham/McIntire, to pass:

AN ORDINANCE TO AMEND THE FY 2013 SCHOOL FEDERAL GRANT PROJECTS FUND BUDGET; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

3. Consideration of an Ordinance to Amend the FY13 Schools Special Projects Fund Budget (AF: 109-2013).

Motion/Second: Joh/Clark, to pass:

AN ORDINANCE TO AMEND THE FY 2013 SCHOOL SPECIAL PROJECTS FUND BUDGET; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, May 7, 2013**

4. Consideration of an Ordinance to Amend Various Project Funds (AF: 106-2013). Mayor Phillips questioned where the money comes from for these transfers. City Manager Campbell stated there was a development account and other projects from a recent bond issue. Budget Director Judy Smith provided further details. Public Works Director Ryan McReynolds added the account can be tracked and must therefore be specific.

Motion/Second: Parham/McIntire, to pass:

AN ORDINANCE TO AMEND THE GENERAL FUND, GENERAL PROJECT, GENERAL PROJECT-SPECIAL REVENUE, MEADOWVIEW PROJECT, CATTAILS PROJECT, WATER AND SEWER PROJECT FUNDS FOR THE FISCAL YEAR ENDING JUNE 30, 2013; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.

1. Consideration of an Ordinance to Amend the Code of Ordinances, Article IV, Signs, Section 114-569(13) for the City of Kingsport (AF: 86-2013).

Motion/Second: McIntire/Joh, to pass:

ORDINANCE NO. 6305, AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSFORT, TENNESSEE, ARTICLE IV. SIGNS, SECTION 114-569(13); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Joh, McIntire, Parham, Segelhorst, and Phillips voting "aye."

2. Consideration of an Ordinance to Amend the Code of Ordinances, Article I. In General, Section 114-1. Definitions for the City of Kingsport (AF: 87-2013).

Motion/Second: McIntire/Joh, to pass:

ORDINANCE NO. 6306, AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSFORT, TENNESSEE, ARTICLE I. IN GENERAL, SECTION 114-1; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Joh, McIntire, Parham, Segelhorst, and Phillips voting "aye."

3. Consideration of Ordinances to Annex/Amend Zoning of the Shadyside Drive Annexation (AF: 88-2013). Mayor Phillips commented he had received a call from citizen who did not purchase a house in Hidden Acres due to septic issues. City Manager Campbell stated that under the current plan of services, the sewer is scheduled to be finished in October of next year. Discussion ensued highlighting the benefits of sewer installation to home owners as a result of annexation.

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, May 7, 2013**

Motion/Second: McIntire/Joh, to pass:

ORDINANCE NO. 6307, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 13TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE SHADYSIDE DRIVE ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Joh, McIntire, Parham, Segelhorst, and Phillips voting "aye."

Motion/Second: McIntire/Joh, to pass:

ORDINANCE NO. 6308, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG SHADYSIDE DRIVE TO R-1B, RESIDENTIAL DISTRICT IN THE 13TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Joh, McIntire, Parham, Segelhorst, and Phillips voting "aye."

D. OTHER BUSINESS.

1. Consideration of a Resolution Authorizing the Superintendent of Schools or Their Designee to Sign All Applicable Documents Relating to Tax Deductions as Requested by Energy Systems Group (ESG) Referencing the Guaranteed Energy Savings Performance Contract to Provide Energy Savings Improvements to Kingsport City Schools Facilities (AF: 110-2013).

Motion/Second: Parham/Clark, to pass:

Resolution No. 2013-165, A RESOLUTION AUTHORIZING THE SUPERINTENDENT OF SCHOOLS, OR DESIGNEE, TO EXECUTE APPENDIX 1: GOVERNMENT BUILDING PRIMARY DESIGNER ACKNOWLEDGEMENT AND ALL DOCUMENTS NECESSARY AND PROPER RELATING TO TAX DEDUCTIONS AS REQUESTED BY ENERGY SYSTEMS GROUP

Passed: All present voting "aye."

2. Consideration of a Resolution Authorizing the Execution of Amendment 3 to the Safe Routes to School Contract No. 090056 with the State of Tennessee Department of Transportation Extending the Project Completion Deadline and Authorizing the Mayor to Sign All Applicable Documents (AF: 103-2013).

Motion/Second: Parham/Clark, to pass:

Resolution No. 2013-166, A RESOLUTION APPROVING AMENDMENT NUMBER 3 TO THE SAFE ROUTES TO SCHOOL CONTRACT NO. 090056 WITH THE STATE OF

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, May 7, 2013**

TENNESSEE DEPARTMENT OF TRANSPORTATION EXTENDING THE COMPLETION DEADLINE AND AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AMENDMENT

Passed: All present voting "aye."

3. Consideration of a Resolution Awarding the Proposal for Concession Food Service Distributor for the Kingsport Aquatic Center to The H.T. Hackney Company and B.K.T., Inc. (AF: 116-2013).

Motion/Second: Joh/Clark, to pass:

Resolution No. 2013-167, A RESOLUTION AWARDING THE PROPOSAL FOR CONCESSION FOOD SERVICE DISTRIBUTOR FOR THE KINGSFORT AQUATIC CENTER TO THE H.T. HACKNEY COMPANY AND B.K.T., INC.; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENTS AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

4. Consideration of a Resolution Authorizing the Mayor to Execute a Release Agreement for Rexnord Industries and Gregory L. McGinnis (AF: 105-2013).

Motion/Second: Joh/Clark, to pass:

Resolution No. 2013-168, A RESOLUTION APPROVING A RELEASE OF CLAIMS; AUTHORIZING THE MAYOR TO SIGN THE SAME AND ANY AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE RELEASE

Passed: All present voting "aye."

5. Consideration of a Resolution Approving Two Agreements with the Airport Authority (AF: 114-2013).

Motion/Second: Segelhorst/Parham, to pass:

Resolution No. 2013-169, A RESOLUTION APPROVING TWO AGREEMENTS WITH THE TRI-CITIES AIRPORT AUTHORITY, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENTS AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENTS

Passed: All present voting "aye."

6. Consideration of a Resolution to Authorize the Mayor to Sign All Documents Necessary to Apply for and Receive a DOJ – Office of Justice Programs/Bureau of Justice Assistance Bulletproof Vest Partnership (BVP) Reimbursement Grant (AF: 115-2013). Deputy Chief Quillin confirmed for Alderman Segelhorst that department policy requires officers to wear bullet proof vests.

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, May 7, 2013**

Motion/Second: Joh/Segelhorst, to pass:

Resolution No. 2013-170, A RESOLUTION APPROVING AN APPLICATION FOR AND RECEIPT OF A UNITED STATES DEPARTMENT OF JUSTICE BUREAU OF JUSTICE ASSISTANCE BULLET PROOF VEST (BPV) REIMBURSEMENT GRANT AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER FOR SUCH APPLICATION AND RECEIPT OF GRANT FUNDS

Passed: All present voting "aye."

7. Consideration of a Resolution to Authorize the Mayor to Sign All Documents Necessary to Apply for and Receive a Law Enforcement Agency Traffic Services Safety Grant from the Tennessee Department of Transportation, Governors Highway Safety Office (AF: 111-2013).

Motion/Second: Parham/Clark, to pass:

Resolution No. 2013-171, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A LAW ENFORCEMENT AGENCY TRAFFIC SERVICES SAFETY GRANT FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION GOVERNOR'S HIGHWAY SAFETY OFFICE

Passed: All present voting "aye."

8. Consideration of a Resolution Authorizing the Execution of the Locally Managed Safe Routes to School Agreement Related to Non-Infrastructure Items with the State of Tennessee Department of Transportation Authorizing the Mayor to Sign All Applicable Documents (AF: 104-2013).

Motion/Second: Segelhorst/Clark, to pass:

Resolution No. 2013-172, A RESOLUTION APPROVING AN AGREEMENT WITH THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE LOCALLY MANAGED SAFE ROUTES TO SCHOOL NON-INFRASTRUCTURE ITEMS AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

9. Consideration of a Resolution Authorizing the Mayor to Accept a Donation of Resurfacing the Borden Park Tennis Courts from the Mountain Empire Tennis Association (AF: 120-2013).

Motion/Second: Joh/McIntire, to pass:

Resolution No. 2013-173, A RESOLUTION ACCEPTING A DONATION OF RESURFACING THE TENNIS COURTS AT BORDEN PARK FROM THE MOUNTAIN EMPIRE TENNIS ASSOCIATION

Passed: All present voting "aye."

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, May 7, 2013**

E. APPOINTMENTS/REAPPOINTMENTS. None.

VII. CONSENT AGENDA. (*These items are considered under one motion.*)

Alderman Joh made a motion, seconded by Alderman McIntire to pull the third item from the consent agenda and defer it until the next meeting. All present voting "aye."

Motion/Second: Segelhorst/Parham, to adopt:

**1. Consideration of an Ordinance to Appropriate Funds to the
Edinburgh Phase 2 Section 2F Development (AF: 98-2013).**

Adopt:

Ordinance No. 6304, AN ORDINANCE TO AMEND THE WATER AND SEWER PROJECT FUNDS BY DECREASING FUNDS TRANSFERRED TO THE EDINBURGH PHASE 2 SECTION 2F MATERIALS AGREEMENT PROJECTS (WA1378 AND SW1378); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Joh, McIntire, Parham, Segelhorst, and Phillips voting "aye."

**2. Consideration of a Budget Ordinance Appropriating Available
Funds to GP1304 & WA1304 (AF: 76-2013).**

Adopt:

Ordinance No. 6309, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGETS AND THE WATER PROJECT FUND BUDGET BY TRANSFERRING FUNDS FOR THE ROCK SPRINGS IMPROVEMENTS PHASE II FOR THE FISCAL YEAR ENDING JUNE 30, 2013; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Joh, McIntire, Parham, Segelhorst, and Phillips voting "aye."

**3. ~~Consideration of Offers for the Purchase of Real Property Owned by the
City on Roller Street and Arch Street~~ (AF: 113-2013).** This agenda item was deferred to the next regular BMA Meeting.

VIII. COMMUNICATIONS.

- A. CITY MANAGER.** Mr. Campbell asked Chris McCartt to give details on the Aquatic Center grand opening next Friday. Mayor Phillips commented on a discrepancy over the bonds. Mr. McCartt confirmed this project was not funded with property tax or sales tax. Public Works Director Ryan McReynolds pointed out every division of Public Works went the first four months of this year without injuries. He also gave an update on the recycling program.

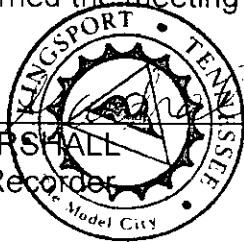
**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, May 7, 2013**

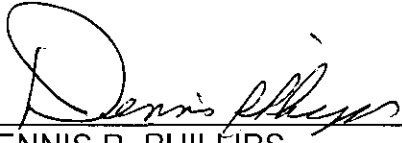
B. MAYOR AND BOARD MEMBERS. Alderman McIntire commented on the good reports depicted in the annual reviews from the police department and the fire department. Alderman Joh noted the upcoming retirement of Police Chief Gale Osborne. She also stated the last fundraiser for the carousel project is scheduled to roll out in June. Alderman Segelhorst Public Works on their improved safety and thanked the boy scouts and high school students in attendance. Alderman Clark commented on the Mayor's Prayer Breakfast and the Volunteer Appreciation Breakfast, noting these events were an inspiration to be involved with community service. Vice-Mayor Parham commented favorably on staff and also recognized Alderman Segelhorst's leadership with the safety program. Mayor Phillips commented on the downtown clean-up scheduled for Saturday as well as the Racks by the Tracks event featuring a concert by Diamond Rio.

C. VISITORS. Mr. Glenn O'Neill commented on junk cars. Deputy Chief Quillin stated he would talk to code enforcement. Mr. Danny Karst commented favorable on city staff.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 8:40 p.m.


ANGELA MARSHALL
Deputy City Recorder




DENNIS R. PHILLIPS
Mayor